

GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

STEPHEN S. SMITH (SBN 166539)
SSmith@GreenbergGlusker.com
WILLIAM M. WALKER (SBN 145559)
WWalker@GreenbergGlusker.com
AARON J. MOSS (SBN 190625)
AMoss@GreenbergGlusker.com
GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590
Telephone: 310.553.3610
Fax: 310.553.0687

Attorneys for Defendants StudiVZ Ltd.,
Holtzbrinck Networks GmbH, and
Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD.,
VERLAGSGRUPPE GEORG VON
HOLTZBRINCK GmbH,
HOLTZBRINCK NETWORKS
GmbH, HOLTZBRINCK
VENTURES GmbH, and DOES 1-
25,

Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Hon. Jeremy Fogel

**[PROPOSED] ORDER GRANTING
MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION
AND FORUM NON CONVENIENS
ON BEHALF OF HOLTZBRINCK
NETWORKS GmbH AND
HOLTZBRINCK VENTURES GmbH**

Date: February 13, 2009

Time: 9:00 a.m.

Dept./Place: Courtroom 3

Complaint Filed: July 18, 2008

[PROPOSED] ORDER GRANTING HOLTZBRINCK COS.' MOTION TO DISMISS

1 The Motion to Dismiss for Lack of Personal Jurisdiction and *Forum Non*
2 *Conveniens* on Behalf of Holtzbrinck Networks GmbH and Holtzbrinck Ventures
3 GmbH (“Motion”) was heard at 9:00 a.m. on February 13, 2009 in Courtroom 3 of
4 the above-entitled Court, the Honorable Jeremy Fogel, United States District Judge,
5 presiding.

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7 Having considered the files in this case, and the papers and arguments of the
8 parties and the parties’ counsel, it is ORDERED that the Motion is GRANTED in
9 its entirety. This forum cannot exercise personal jurisdiction over Holtzbrinck
10 Networks GmbH and Holtzbrinck Ventures GmbH (collectively “Holtzbrinck
11 Entities”), which are German limited liability companies with their operations in
12 Germany and that do not have the requisite minimum contacts with California.

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14 In addition, and alternatively, California is an inconvenient forum for this
15 case, and Germany is a much better, and an adequate, alternative forum. A lawsuit
16 is already proceeding in Germany that covers essentially the same issues and claims
17 that are involved here. The events that gave rise to this litigation took place in
18 Germany, not California, and plaintiff Facebook, Inc. (“Facebook”) alleges the
19 harm to its reputation took place in Germany and other parts of Europe, not
20 California. There is thus no local interest in having this matter resolved in
21 California. Given such a lack of nexus between the Holtzbrinck Entities on the one
22 hand and California on the other, the lack of nexus between Facebook’s claims and
23 California, the crowded federal dockets, the problems presented by German-
24 speaking witnesses and German documents, the complex choice of law issues, and

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1 the risk of inconsistent judgments, it would be an inefficient use of judicial
2 resources for this case to proceed in California instead of in Germany.

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4 IT IS SO ORDERED.

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6 DATED: _____, 2008

7 The Honorable Jeremy Fogel
8 United States District Judge
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